

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

JUAN CARLOS PEREZ-LIZ  
SORAYA RUIZ-FIGUEROA and the  
conjugal partnership comprised of Juan  
Carlos Pérez-Liz and Soraya Ruiz-  
Figueroa, for themselves and on behalf of  
their minor children, IVRAIN PEREZ-RUIZ,  
CHRISTINE RODRIGUEZ and YOJAH-  
NALIZ PEREZ-RUIZ

Plaintiffs

vs

CIVIL 08-1659CCC

PEDRO A. TOLEDO, Superintendent of the  
Police of the Commonwealth of Puerto  
Rico; JANE DOE, THE LEGAL CONJUGAL  
PARTNERSHIP OF PEDRO A. TOLEDO  
and JANE DOE;  
SGT. LUIS PACHECO-ALBIZU;  
AGT. JOSE SANCHEZ-ABRAHAM;  
GOVERNMENT OFFICIALS whose real  
names are presently unknown;  
THE LEGAL CONJUGAL PARTNERSHIPS  
OF JOHN DOE AND LOUISE DOE;  
and THE LEGAL CONJUGAL  
PARTNERSHIP OF ABOVE-NAMED  
GOVERNMENT OFFICIALS  
DEFENDANTS and THEIR RESPECTIVE  
WIVES

Defendants

**EVIDENTIARY RULING/STATEMENT OF REASONS**

Upon re-reading the amended complaint for the purpose of preparing preliminary trial instructions and of defining which claims pertain to which named defendant, the Court found that the only concrete factual allegations aimed at the three defendants, Luis Pacheco-Albizu, José Sánchez-Abraham and Dicky Collazo-Hernández are those that specifically refer to the moment in which plaintiffs Pérez-Liz was being arrested on June 21, 2007. The amended complaint also contains allegations regarding at least 7-9 other unknown police officers who were at the scene that night, but who are not identified in any manner and, therefore, are not defendants. The allegations regarding these officers refer to them as “the

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police,” “the police officers” or “they.” All of these are unknown officers who allegedly participated in the search of Pérez-Liz’ home which allegedly disrupted the plaintiffs’ peace, privacy, left the home in disarray and physically restricted plaintiffs’ by pinning them against the wall. None of the three defendants, Pacheco-Albizu, Sánchez-Abraham or Collazo-Hernández, are linked in the amended complaint to any of these actions generally attributed to the other unidentified officers. This situation led to the issuance of an Order to Show Cause to Plaintiffs and the entry of a Partial Judgment (see docket entry 68) dismissing plaintiffs’ claims under Article II, Sections 1, 7, 8, and 10 of the Constitution of the Commonwealth of Puerto Rico as well as the claims under the First and Eighth Amendments of the U.S. Constitution.

The federal claim against these three defendants is based on the use of excessive force under the Fourth Amendment of the U.S. Constitution. A claim under Article 1802 of the Civil Code of Puerto Rico for malicious prosecution brought under the Court’s supplemental jurisdiction avers that plaintiff Pérez-Liz was criminally prosecuted because the three defendants on trial provided false information to authorities during the investigative phase. The link or causal relationship between the conduct of the three defendants and damages resulting from an illegal search and seizure or restriction of plaintiffs’ liberty has neither been pleaded nor shown. The photos of the home in disarray due to actions described in paragraphs 19 and 20 of the amended complaint would be relevant to prove the liability of officers who searched the home, leaving it disorderly, throwing everything on the floor, had they been brought as defendants. The photos are irrelevant to the damages claims based on the factual allegations regarding the actions of Collazo-Hernández, Sánchez-Abraham and Pacheco-Albizu. Allowing them would create confusion to the jury in its determination of the liability of each individual defendant on trial for his own actions.

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Having dismissed the damages claim stemming from an illegal search as to the three defendants, Exhibits 2A through 2E, previously admitted at the pretrial stage are now ORDERED EXCLUDED.

SO ORDERED.

At San Juan, Puerto Rico, on March 5, 2010.

S/CARMEN CONSUELO CEREZO  
United States District Judge